

**Town of Milton
Planning and Zoning Commission
Minutes
September 19, 2006**

Members Present:

Others Present:

Public Hearing opened.

1. The applicants, Richard & Lee Wheeler, are requesting a special permitted use to operate an Interior Design Studio at 311 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-167.00. The property is zoned R-1 and is located within the Historic District.

Linda Rogers – Is there anyone here on behalf of the applicant?

Richard Wheeler - My wife and I would like to open an Interior Design Studio at 311 Union Street. We currently own a business in Greenwood and would like to move it to Milton. Mr. Wheeler explained that ninety percent of customer contact occurs at the client's house and a conference table would be set up in the dining room when they had to meet customers at the studio. Business is not a retail store and customer visits will be by appointment only. They currently have two associates that work with them. We own a house at Broadkill Beach and will live at both locations.

Richard Greig – Has a concern about this property not being their primary residence. Thought the ordinance stated that this property must be the primary residence and not secondary and if this fit under the definition of a home occupation.

John Brady – Read from zoning ordinance Section 7.11 (Home Occupation) and read definition of Home Occupation. Felt that this application does falls within the limits of a home occupation. Doesn't recall anything in the ordinance that states the property must be the primary residence.

Gene Steele – Drawing shows a dotted line between the dining room and living room. Is that a wall or partition? Where is the parking area and what size will it be?

Richard Wheeler – Wasn't sure what the dotted line on the plans met. The current parking area was located in the back of the property and approximately 29' x 22'. There is room to add on if needed.

Linda Rogers – Is there any public comments or questions?

Helen Raider (304 Union St) – Commented on behalf of the applicant. She didn't have a problem with the application.

Lynn Ekelund (406 Union St) – Opposed to the application. Comments/questions included – applicants only living at the house half the time, percentage of office space, visitor entrance and appointment dates/times.

2. The applicant, The Cape Henlopen School District, is requesting site plan approval to build an addition to H.O. Brittingham Elementary School further

identified by Sussex County Tax Map and Parcel # 2-35-14.00-88.00 and an addition to Milton Elementary School further identified by Sussex County Tax Map Parcel # 2-35-20.11-03.00. Each addition will be approximately 5000 square feet and contain four classrooms.

Linda Rogers – Is there anyone here on behalf on the applicant?

Edwin Tennefoss – The additions needed to be build because the State of Delaware has mandated full time kindergarten for next year. He stated that they are waiting for approvals from Deldot, State Fire Marshall and Soil Conservation. Temporary classrooms at both locations would be removed once the additions are completed. Drawing reviewed.

Linda Rogers – Anyone have questions or comments.

Bob Kerr – Submitted written comments to commission.

Public hearing closed.

Meeting opened.

Additions and Corrections to Agenda.

Richard Greig- He would like to add an item to the agenda. He would like to discuss the conditional use process.

Dean Sherman - Motion to add to the agenda.

Gene Steele – Second.

Linda Rogers – All in favor, “Aye”. Opposed –none. Motion carried.

Approval of Minutes. -

Linda Rogers -Would anyone like to make a motion to accept the August 15, 2006 minutes, or make any changes.

Dean Sherman - I accept the minutes as printed.

Bernice Edwards - Seconded the motion.

Linda Rogers - All in favor, “Aye”. Opposed – none. Motion carried.

New Business

1. The applicants, Richard & Lee Wheeler, are requesting a special permitted use to operate an Interior Design Studio at 311 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-167.00. The property is zoned R-1 and is located within the Historic District.

Linda Rogers – Any discussion on the application?

Ginny Weeks – Thinks application doesn’t fit within the limits of a special permitted use and that the application should be changed to a conditional use.

Gene Steele – Had concerns about the open area between the dining room and living room. If there wasn’t a wall between the two rooms, this could make the square footage of the office more than 25% of the total square footage. Wanted to know if the applicant

would be willing to use the dining room and living room as the office instead of the dining room and the northwest bedroom.

Richard Wheeler – Would do whatever they wanted.

Ginny Weeks – Would like to make sure that the clients didn't park in the driveway and use the parking area in the back of the property.

Richard Greig – Voiced concern that the property wasn't the primary residence of the applicants.

John Brady – Read zoning ordinances Article 6.0.4 A-I (Standards Governing Special Uses) and Article 6.0.3 D (Procedures For Special Uses).

Michael Filicko – Made a motion to approve the special permitted use with the following conditions:

- a. One year review upon approval.

- b. All customers must park in parking area in the rear of the property.

John Brady – Requested Mr. Filicko to add Article 6.0.4 A-I and additions A & B in his motion.

Michael Filicko - Amended his motion as requested.

Bernice Edwards – Second.

Linda Rogers – All in favor, “Aye”. Opposed – none. Motion carried.

2. The applicant, The Cape Henlopen School District, is requesting site plan approval to build an addition to H.O. Brittingham Elementary School further identified by Sussex County Tax Map and Parcel # 2-35-14.00-88.00 and an addition to Milton Elementary School further identified by Sussex County Tax Map and Parcel # 2-35-20.11-03.00. Each addition will be approximately 5000 square feet and contain four classrooms.

Linda Rogers- Is there anyone here on behalf of the applicant?

Edwin Tennefoss – Briefly explained application. The school district would to receive preliminary and final site plan approval tonight so construction could start as soon as possible.

John Brady – Preliminary and final site plan approval must be done at two separate times because written notice must be to the applicant stating whether or not the preliminary site plan is approved, conditionally approved or disapproved (Article 6, Section 6.1.7). The Commission could hold a special meeting on September 26, 2006.

Robert Kerr – Reviewed written comments.

Bernice Edwards – Asked about #4 of Bob Kerr's written comments (sewer capacity and EDUs).

Edwin Tennefoss – They will be installing waterless urinals in the schools to help cut back on water usage. Temporary trailers will be removed.

Bob Kerr – They should be okay.

Discussion on landscaping, new proposed parking lot and curbing for Milton Elementary School.

Bernice Edwards – When will the new plans be submitted to the Commission?

Edwin Tennefoss – I can submit the plans by Thursday or Friday.

Dean Sherman – I make a motion that we grant preliminary site plan approval for both of

the schools subject to meeting all the notes on Bob Kerr's report and all applicable State, County and Town Agency approvals.

Ginny Weeks – Second.

Linda Rogers - All those in favor "Aye". Opposed – none. Motion carried.

John Brady – Defer action on the conditional use procedure and add under old business on the agenda for the next meeting.

Motion to adjourn.